



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,407	02/27/2004	Tony W. Mears	F012.PAT-12	5233

7590 12/03/2004  
Emery L. Tracy  
P.O. Box 1518  
Boulder, CO 80306-1518

EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/789,407

Applicant(s)

MEARS ET AL. *CA*

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 16, 17, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 4-7, 10, 11, 18-20, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06182004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities: Claim 8 does not end with a period, and is thus considered to be incomplete. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 8, 16, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Berlongieri (US 4,298,177).

Berlongieri discloses the same flotation device for maintaining an aircraft in a floating condition on a body of water as claimed, said flotation device being comprised of a plurality of flotation bladders, defined as Part #40, 42, 48 or 51, that are mounted to an aircraft, defined as Part #12, and are independently and automatically inflatable by an inflation means, as shown in Figure 1, where said flotation device provides additional buoyancy to said aircraft during a water landing.

Berlongieri also discloses the same method for maintaining an aircraft in a stable floating condition on a body of water as claimed, said method being comprised of the

steps of mounting a plurality of flotation bladders, defined as Part #40, 42, 48 or 51, to an aircraft, defined as Part #12, and independently and automatically inflating said flotation bladders, as shown in Figure 1, upon occurrence of a water landing.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlongieri.

Berlongieri, as set forth above, discloses all of the features claimed except for the use of a flotation bladder that has coloring and markings.

The use of a flotation bladder with coloring and markings would be considered by one of ordinary skill in the art to be an obvious means for making a flotation bladder more visible on a body of water, and to provide emergency distress or rescue messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a flotation bladder with coloring and markings in combination with the flotation device as disclosed by Berlongieri for the purpose of providing a flotation means that is more visible on a body of water, and a means for communicating emergency distress or rescue messages.

***Allowable Subject Matter***

6. Claims 12-15 are allowed.
7. Claims 4-7, 10, 11, 18-20, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Otsuka (US 5,765,778) discloses an aircraft with a plurality of air bags that are mountable to said aircraft and automatically inflatable. Miller et al. (US 4,655,415) discloses inflatable flotation bladders that are mounted to the skids of a helicopter. Anderson (US 3,506,222) discloses inflatable pontoons that are mounted to the skids of a helicopter. Keedy (US 3,273,832) discloses an inflatable pontoon that is mounted to the underside of an aircraft.
9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

November 30, 2004

**LARS A. OLSON  
PATENT EXAMINER**

*Lars Olson*  
11/30/04